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Attorneys for Defendant and Counter Claimant Acacia Communications, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ViaSat, Inc.,

a Delaware corporation,

Plaintiff

and Counter Defendant,

v.

Acacia Communications, Inc.,

a Delaware corporation

Defendant

and Counter Claimant.

Case No.: 3:16-cv-00463-BEN-JMA

**ACACIA COMMUNICATIONS,
INC.'S OPPOSITION TO
VIASAT, INC.'S *EX PARTE*
APPLICATION FOR
CLARIFICATION OR
IN THE ALTERNATIVE
RECONSIDERATION RE:
SEALING OF DOCUMENTS**

Judge: Hon. Roger T. Benitez

Mag. Judge: Hon. Jan M. Adler

Viasat, Inc.'s ("Viasat") latest *ex parte* application (Dkt. No. 189) is its *fourth* attempt to seal these documents: (1) Viasat's original motions to seal filed with its summary judgment and *Daubert* motion briefing; (2) its earlier, now-stricken *ex parte* application (Dkt. No. 173); (3) Viasat's cross-motion to seal (Dkt. No. 179); and now (4) this *ex parte* application. Viasat's prior attempts did not adequately justify sealing the documents, and Viasat presents no compelling basis to change the prior rulings.

Viasat seeks "clarification" of the Court's order (Dkt. No. 186), but the order was clear: Viasat had not adequately justified its proposed redactions. No clarification is required. Nor did the Court "overlook" Viasat arguments or commit "clear error." Dkt. No. 189 at 4. The Court made clear that it considered the thousands of pages that Viasat submitted (Dkt. No. 186 at 2), and properly rejected Viasat's inadequate argument for redaction (*see* Dkt. No. 185 at 2-3).

Motions for reconsideration are "disfavored" and "should not be granted, absent highly unusual circumstances." *Buchholtz v. Rogers Benefit Grp., Inc.*, No. 12-CV-2167-BEN (DHB), 2013 WL 12108111, at *2 (S.D. Cal. May 8, 2013) ("Motions for reconsideration are not designed merely to provide a dissatisfied litigant with additional opportunity to sway the Court." (citation omitted)). Viasat's arguments do not meet this stringent standard. Its latest *ex parte* application should be denied.

Date: July 31, 2018

Respectfully Submitted,

WOLF, GREENFIELD & SACKS, P.C.

By: s/ Michael A. Albert

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Acacia Communications, Inc.

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2 **CERTIFICATE OF SERVICE**

3 I certify that today I am causing to be served the foregoing document by
4 CM/ECF notice of electronic filing upon the parties and counsel registered as
5 CM/ECF Users. I further certify that I am causing the foregoing document to be
6 served by electronic means via email upon counsel for Viasat, Inc., to the extent they
7 are not registered CM/ECF Users, per the agreement of counsel.
8

9 Date: July 31, 2018

s/ Michael A. Albert

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